

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIUS MARTELL FRANKLIN,

Defendant.

No. CR 13-28

**ORDER REGARDING
MAGISTRATE'S REPORT AND
RECOMMENDATION
CONCERNING DEFENDANT'S
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On May 7, 2013, a one-count Indictment was returned against the defendant Darius Martell Franklin. On July 18, 2013, the defendant appeared before United States Magistrate Judge Jon S. Scoles and entered a plea of guilty to Count 1 of the Indictment. On July 18, 2013, Judge Scoles filed a Report and Recommendation in which he recommended that the defendant's guilty plea be accepted. No objections to Judge Scoles's Report and Recommendation were filed. The court, therefore, undertakes the necessary review of Judge Scoles's recommendation to accept the defendant's plea in this case.

II. ANALYSIS

Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

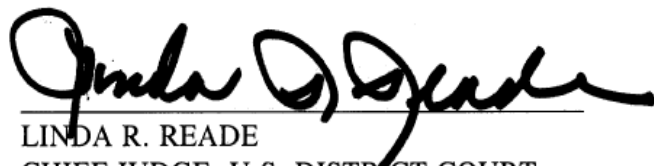
The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles's findings and conclusions that there is no ground to reject or modify them. Therefore, the court **accepts** Judge Scoles's Report and Recommendation of July 18, 2013, and accepts the defendant's plea of guilty in this case to Count 1 of the Indictment.

IT IS SO ORDERED.

DATED this 2nd day of August, 2013.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA